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TAGS: [PREF](#) [PHUM](#) [PGOV](#) [EAID](#) [CE](#)
SUBJECT: ICRC DONOR SUPPORT GROUP VISIT TO SRI LANKA

REF: COLOMBO 82

Classified By: RMA DEPUTY COUNSELOR KATHERINE PERKINS FOR 1.4 B & D.

¶1. (C) Summary: Geneva-based Refugee Officer (RefOff) Nick Hilgert traveled to Sri Lanka from March 31 to April 5 with the International Committee of the Red Cross (ICRC) Donor Support Group (DSG) to visit ICRC project sites. The DSG is made up of donors who contribute more than \$10 million annually to ICRC. RefOff visited sites in eastern Sri Lanka (Batticaloa and Trincomalee) and the Terrorism Investigative Division (TID), a detention facility for conflict related detainees in Colombo. ICRC does not believe the current fighting will lead to significant displacement in the short-term and that it will remain contained in the Vanni. ICRC's work in IDP camps in the east is decreasing as more than 170,000 IDPs have already returned home and some 24,000 remain. However, livelihood projects for returnees are still important and many returnees face a number of obstacles restarting economic activities to support themselves. ICRC's incident statistics in eastern Sri Lanka are mixed, with the number of killings down since January and claymore mine attacks remaining steady since December 2008. ICRC is coordinating well with UN organizations and non-governmental organizations (NGOs). The ongoing conflict in northern Sri Lanka has significantly restricted access to the Vanni region, and ICRC believes the overall number of persons held in detention will increase in 2008. ICRC will soon submit a report to the government it says proves the government has a facility holding "high-level" detainees and will request access to that facility. RefOff assisted ICRC distribute letters and personal hygiene supplies to detainees in the TID and met several persons recently arrested for suspected ties to the LTTE. The Director of the TID announced he has received authorization to hold a UK citizen for an additional three months under the terms of the Protection Against Terrorism Act (PTA), the first such case since the government's withdrawal from the cease-fire agreement. RefOff also met an Irish and Canadian citizen being held in the TID. Other members of the DSG also traveled to Jaffna and were equally impressed with ICRC's ability to access difficult areas and visited the government's detention facility for "surrendered." Members of the DSG will raise

concerns at the DSG Meeting in May over ICRC's capacity to retain qualified expatriate translators. End Summary.

Visit to Sri Lanka and PRM Support to ICRC

¶2. (U) Geneva-based Refugee Officer (RefOff) Nick Hilgert traveled to Sri Lanka from March 31 to April 5 with the International Committee of the Red Cross (ICRC) Donor Support Group (DSG) to visit ICRC project sites. Other participating donors included Australia, Canada, the European Commission (ECHO), France, Germany, Luxembourg, the Netherlands, and the United Kingdom. The DSG visited ICRC project sites in Colombo, eastern Sri Lanka (Batticaloa and Trincomalee), and northern Sri Lanka (Jaffna). This included visits to IDP camps, livelihood and emergency shelter projects in areas of return, protection activities and visits to detention facilities. The DSG also met government officials, including Basil Rajapakse, Senior Advisor to the President, Mr. Jayantha Palipana, Acting Secretary at the MFA, and Mr. Mahinda Samarasinghe, Minister of Human Rights and Disaster Management. The DSG is made up of donors who contribute more than \$10 million annually to ICRC. In 2007, the State Department's Bureau of Population, Refugees, and Migration (PRM) contributed \$20 million to ICRC's operations in South Asia and earmarked an additional \$3.84 million to ICRC in Sri Lanka. PRM has just announced a contribution of \$22.1 million to ICRC's South Asia operations for 2008.

ICRC Presence in Sri Lanka

¶3. (C) ICRC has been in Sri Lanka since 1989. ICRC currently has 521 national staff (83% male) and 70 international staff (53% female) working in 10 offices throughout the country (Jaffna, Kilinochi, Puthukkudiyiripu, Batticaloa, Trincomalee, Muthur, Ampara, Vavunya, Mannar, and Colombo) with a budget roughly equivalent to \$27 million. ICRC staff represent 28 different nationalities, although Swiss (17) and French nationals (12) represent 41% of all staff. There are no U.S. nationals working with ICRC in Sri Lanka. ICRC works in both the government-controlled areas of Sri Lanka and in the conflict zone, currently the region of the Vanni in northern Sri Lanka. ICRC's project activities focus on the protection of civilians, (including recruitment of minors and family tracing), assistance (including water, sanitation, and shelter to IDPs and returnees) visits to conflict related detainees, treating the wounded and sick, and training of public authorities and the armed forces on international humanitarian law (IHL). ICRC reports that in 2007 it provided food items and non-food items to more than 300,000 IDPs and returnees, provided access to water to more than 83,000 persons (52,000 IDPs and 31,000 host-community residents), cared for more than 400 patients in the Jaffna Jaipur Center for Disability and Rehabilitation, and provided more than 260 training sessions to more than 5,000 combatants, including government security forces and armed members of the Liberation Tigers of Tamil Eelam (LTTE).

ICRC's View of the Current Conflict

¶4. (C) Toon Vandenhooft, ICRC Head of Delegation, told the DSG that the conflict has moved north and is now focused in the area of the Vanni. Vandenhooft believes that it is unlikely there will be massive displacement from the Vanni in 2008 due to heavy bombing along the front defensive lines and tight LTTE control over movement of the local populations in the conflict area. (Note: ICRC staff characterized the LTTE of using the local population as "human shields." End note.) Vandenhooft said there has been some displacement out of the Vanni, but he believes these numbers will remain below ICRC's planning figure of a possible 120,000 IDPs in 2008 (Note: ICRC's figures refer to maximum number of persons they would likely assist, not the number of potential IDPs). Vandenhooft said a number of persons have left the Vanni by boat and that the government is holding a small number of persons who escaped the Vanni in a camp-like facility in

Mannar. ICRC has been able to negotiate concessions from the government to allow persons in this facility greater freedom of movement. ICRC is preparing an assessment of health conditions in the Vanni and indicated some supplies might not be getting in due to the limited access. Another ICRC staff member working in the Vanni believes that the government's "state of siege" may break the LTTE before the end of 2008.

15. (C) Vandenhoove said the current conflict has restricted ICRC's access to the Vanni (there is now only one access point at Omathai) and led to an increase in disappearances, detentions, and casualties. Vandenhoove believes the number of conflict-detainees will increase in 2008 compared to 2007 and explained there is growing mistrust between the government and the international community. He said the government often charges ICRC and other organizations publicly as LTTE collaborators and this has caused tension with local populations. ICRC (and other organizations) is also experiencing long delays getting visas issued to its staff working in the north. Vandenhoove did say there has been an overall decline in the number of known child soldiers and ICRC is working closely with UNICEF and ILO to ensure these children are assisted after their release. According to ICRC, child soldiers are almost exclusively attributable to the LTTE and the LTTE breakaway paramilitary/political party in eastern Sri Lanka, the Tamil Makkal Viduthalai Puligal (TMVP). Figures provided by UNICEF to Embassy Colombo seem to indicate that there is still some underreporting of child soldiers and that some of the decline in known cases can also be attributed either to "runaways" or a small number of children released by the TMVP directly to their parents rather than to the UN.

Coordination

16. (C) The DSG had the opportunity to meet with a variety of UN agencies and NGOs working in coordination with ICRC, including a larger discussion with the Inter-Agency Standing Committee (IASC) Country Team (CT) in Colombo. The CT explained that the UN's Cluster Approach was not adopted in Sri Lanka and that they had decided to maintain a Sectoral Approach (which divides responsibilities in a similar way as the Clusters). Neil Buehne, UNDP Resident Coordination, however, acknowledged that the Sectoral Approach in Sri Lanka does not rely on the "agency of last resort" concept as called for in the Cluster Approach, but he noted that most agencies have been able to raise required resources when needed. Parallel to the IASC Sectoral Approach, agencies also established the Coordinating Committee on Humanitarian Affairs (CCHA) in 2006 with the participation of the Ministry of Human Rights and the Ministry of Defense, several Embassies, Sri Lankan NGOs, the Government Agents (GA) based in the various Districts as well as most members of the CT. ICRC appears to have coordinated quite closely with the CT in preparation of its Emergency Appeal and the UN humanitarian appeal for Sri Lanka (CHAP) in order to avoid overlap. The Sectoral coordination mechanism appears to function quite well in the field as well and agencies report close collaboration between the different organizations. An increasing number of national Red Cross Societies, such as the German and UK Red Cross, are moving away from their Tsunami activities and using this money to providing conflict

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assistance.

IDP and Refugee Numbers

17. (U) UNHCR divides figures for Internally Displaced Persons (IDPs) into two categories: those who fled before 2002, or "old caseload" IDPs (312,712), and those who fled since April 2006, or "new caseload" IDPs (358,330). The old caseload IDPs were initially registered by the government. However, no verification exercise of this caseload has been done recently and most live in host communities where they receive very little assistance. According to UNHCR's official statistics, approximately 97,000 IDPs are currently

located in "Welfare Centers" where they do receive assistance. A Welfare Center in this context is basically an IDP camp. This figure includes both old caseload IDPs (67,000) and new caseload IDPs (30,000).

¶18. (C) UNHCR Representative, Amin Awad, told RefOff that the number of IDP camps in eastern Sri Lanka has declined recently from approximately 100 to just around 18. Awad said the government has already returned some 170,000 IDPs, thus leaving approximately 186,000 still displaced. Awad added that around 100,000 of those IDPs are in the Vanni alone where the conflict is ongoing. ICRC Batticaloa reported some 24,000 IDPs present in its District, more than half of whom are in host communities (16,190) and the rest in camps (9,848). Of those still in camps, approximately 6,500 are from Trincomalee District and the rest from Batticaloa District (3,258). ICRC reported that return movements are organized almost weekly and that IDP numbers in the camps continue to decline. RefOff visited the Kiran IDP Camp where ICRC carries out shelter and Water and Habitat activities. This is the largest remaining IDP camp in the area with only about 150 families. ICRC said they are also taking care of about 10,000 IDPs in the Vanni conflict zone. Awad said that the number of Sri Lankan refugees who entered India since 2006 has remained steady at around 20,000, but noted that recently UNHCR has received reports that some refugees are returning to eastern Sri Lanka after hearing that peace has returned to that region.

Fear of Return

¶19. (C) Basil Rajepakse, Member of Parliament and Special Advisor to the President (Note: he is also the President's younger brother. End note.), told the DSG delegation that the main issues confronting IDPs who still have to return include demining and livelihoods. Indeed, the DSG passed many areas still closed off for demining during our visit. Rear Admiral H.R. Amaraweera, Coordinating Director for the Ministry of Resettlement and Disaster Relief Services in Trincomalee, informed the DSG that the main hurdles for IDP return to Trincomalee included pro-LTTE elements in the IDP camps who are advising IDPs against return, a lack of awareness among the IDP population with regard to support services available, a need for livelihood assistance, and what he called the "wild boar and elephant menace" that is destroying gardens and damaging homes. The government is providing return transport for IDPs and in some areas has built homes for returnees, although the vast majority of shelter projects is carried out by NGOs such as the Dutch NGO - ZOA, or international organizations such as ICRC.

¶10. (C) At the Kiran IDP camp, RefOff spoke to Jayamahan, the Camp Community Leader, about why some IDPs have not returned. Jayamahan recounted several stories of pro-government elements abducting or even killing persons they suspect of having either supported the LTTE or as having pro-LTTE sentiment in the return areas. He said young men in particular are targeted. He explained that he does not want to even ask for his identification card because the "man working there" (in Trincomalee) is Sinhalese. He also said the TMVP (the TMVP won a majority in the recent local elections in the Batticaloa District), which has an office just outside the camp, had asked how many families did not want to return to their former homes. Apparently 22 families indicated they did not want to return. Jayamahan said he is not sure if the TMVP will be able to help any of the families remain in Batticaloa District, but affirmed that he was definitely not going to return to his former home.

High Security Zone in Trincomalee

¶11. (C) The government's decision to mark off a High Security Zone (HSZ) in the Muttur Division of Trincomalee, along the Koddigar Bay, presents a number of problems for potential returnees. According to ICRC, this area was previously controlled by the LTTE and used as a base to

attack Trincomalee town on the other side of the bay. ICRC said the Government does not want returning Tamil fishermen to begin plying the waters again and has declared several areas off-limits to return, mainly Sampoor West, Sampoor East, and Koonitivu. According to ICRC, non-combatant Tamil citizens often came under strong pressure from the LTTE to support "the cause" during the war and even now, particularly in the Vanni, Tamil families are still asked to provide one child per family to the LTTE. Thus, it would seem reasonable that both the Government and potential returnees may see return to this area as a risky endeavor.

¶12. (C) Nevertheless, Government plans to relocate returnees who originate from the now classified HSZ to other areas have been criticized as "demographic engineering." In fact, the government is reducing the size of the HSZ and some 6,600 IDPs will be allowed to return in "phases" to all but the most sensitive areas as defined by the government. Roberto Petronio, ICRC's Head of Sub-Office in Trincomalee, said the remaining 2,249 families (8,094 persons) originally from the HSZ will have to be relocated at some point and that "UN agencies are unhappy" with the solutions currently offered by the government. UNHCR is taking a pragmatic approach to the return issue, assisting the government according to the terms of a general agreement it has with the Ministry of Disaster Management and Human Rights and is advocating for just compensation for those who are relocated to new areas.

Forced or Voluntary Return?

¶13. (C) Many agencies stated that returnees have been forced back and/or that many have been arrested or "disappeared" after their return. In some return movements, the government used food ration cards to pressure IDPs to return, taking away the ration cards of those who chose to remain in the camps. Others have returned to their villages only to find that their homes have been destroyed, they have no water, and other public services and infrastructure are lacking. Jens Hesemann, UNHCR's Head of Field Office in Batticaloa, said UNHCR recently convinced the Government to organize go-and-see visits with returnees to help them decide if return is appropriate for them before the government organizes the movements. UNHCR also managed to persuade the government to return food ration cards to those who had decided to remain in the camps. During a DSG meeting with Mahinda Samarsinghe, the Minister of Human Rights and Disaster Management, RefOff asked if the government is developing a plan with UNHCR to help those who want to stay in the communities where they are currently located rather than return. Samarsinghe discussed problems linked to demining and infrastructure development, but did not mention what the government will do with the caseload that does not return. Many agencies confirmed the government has no actual timeline in mind for completing the return process, although UNHCR's agreement with the government refers to a broad phase from 2008-2010.

Returnees Still Face Challenges

¶14. (C) The DSG visited Kunjankulam Village, an ICRC Economic Security (ECOSEC) project site located in the Batticaloa District on the road to Trincomalee. Their situation illustrates well the issues returnees face as eastern Sri Lanka transitions to peace. The 50 families in this village have been displaced four different times, with the most recent displacement occurring from December 2006 to March 2007. The villagers are inland fishermen and made their living from a nearby lake before the war. The government has placed a military camp right next to the village and all villagers must have an authorization paper from the military to travel outside the village. This paper must be shown at all the military checkpoints in the region. Military soldiers are located all along the main roads in the area and we passed a military checkpoint nearly every half-mile to a mile. Because the lake has been depopulated of fish, villagers must now go to a river located 10 km from

the villages to fish. The village itself is located in an isolated area and the dirt road used for transport is impassable during the rains. ICRC has worked with the villagers to establish contact between them and the Ministry of Fisheries, to provide them with nets and other fishing supplies, to restock the lake with three types of local fish, and to provide them with tractor cars that are able to pass through the mud when needed. Despite all this assistance, the presence of military checkpoints and an early curfew severely interrupt the villagers from carrying out their normal economic activities. Several agencies pointed to this type of livelihood project as vital to recovery in the region and the transition to more development activities.

ICRC's Incident Statistics and Concerns

¶15. (C) ICRC's incident statistics in the Batticaloa District reveal a mixed picture, although they do show a decline in incidents for the February-March 2008 period when compared to the figures for December 2007 and January 2008. Overall incidents (killings, injuries, claymore mine attacks, and handgrenade attacks) went from 23 in December 2007 to 36 incidents in January 2008, and then declined to 10 incidents in February 2008 and 15 in March 2008. Within those categories, killings declined from 14 in December and 17 in January, to 6 in February, and just 2 in March. However, claymore mine attacks have remained more or less steady (1 in December, 1 in January, 0 in February, and 2 in March). During the same period, ICRC's figures for the area under control of the Sri Lankan Army (SLA) show 8 arrests, 12 disappearances (this includes reported cases and active investigations), and 4 cases of underage recruitment. The majority of incidents in SLA territory were committed by the LTTE (8) and TMVP (8), followed by Unknown (6), the SDDP (1) and the SLA (1). In the area controlled by the Special Task Force (STF), ICRC recorded 31 arrests, 31 disappearance cases, and 1 case of underage recruitment. Of these, the perpetrators are Unknown (27) for the majority of cases, followed by the STF (16), TMVP (8), the SLA (6) and the LTTE (4).

¶16. (C) ICRC expects the buildup to the May Provincial elections now to take center stage and that the security presence will double if not triple in eastern Sri Lanka. ICRC also expects occasional LTTE hit-and-run incidents and plans to follow closely internal Muslim community tensions as well as tensions between Muslims and the Tamil community. Shootings in the area are still quite common, according to ICRC, and it remains to be seen if and when the TMVP will disarm. ICRC believes this will not occur until after the elections. Although ICRC thinks the government will intensify IDP return movements in the short-term, they believe the government will cease IDP return movements a couple weeks before the Provincial elections.

Detention

¶17. (C) ICRC monitored the conditions of more than 2,700 persons arrested in relation to the conflict in almost 160 places of detention in 2007. ICRC currently visits some 457 detainees arrested under Sri Lanka's Emergency Regulations. These detainees have been arrested for their possible connections to the LTTE and involvement in the conflict and can be held for up to one year without being charged. These persons are held in mostly temporary facilities that include police stations, detention centers, and special units. ICRC also visits 850 persons located in permanent places of detention and some 100 persons located in Jaffna that the government refers to as "surrendered." These are mostly families held in houses. Vandenhoove said ICRC will soon submit a report to the government proving that the government also has a facility holding "high-level" detainees and will request access to that facility. ICRC indicated they have some access to regular detention facilities controlled by the LTTE, but that they do not have any access to conflict related detainees under LTTE authority. ICRC provides

detainees with a registration number, mail exchange service with family members, and donates a variety of supplies such as books, magazines, personal hygiene supplies, and basic clothing. ICRC depends on the linguistic skills of locally-hired expatriate staff (in Sri Lanka and in many other countries) to conduct their detention center visits.

Visit to the Terrorism Investigative Division

¶18. (C) In Colombo, the DSG divided up into different groups to visit four separate detention facilities: the Central Investigative Division (CID), the Terrorism Investigative Division (TID), and two remand prisons. RefOff joined two other DSG members to visit the TID. The TID is located in a building owned by the Sri Lankan Navy in an area called Fort in downtown Colombo. ICRC explained that the Navy was taking over offices on the upper floor and, as a result, was displacing TID staff to share office space on the lower floors where detainees are located. Immediately upon entry to the facility, RefOff noted the ceiling was missing and under repair in a small open office space where the government is holding about 10 women. These women were watched by one female guard. The majority were arrested with their husbands. One woman said she had an M.A. in Performing Arts she had earned in India and had worked with a professor at Manchester University in the UK. Several women provided ICRC with letters to be passed to their husbands being held just on the other side of the building. Prison guards read all correspondence before ICRC is allowed to turn over the mail to the recipient.

¶19. (C) We then spoke to the Director of the TID who informed our group that he had just received authorization to detain a UK citizen (Mr. Gobadis) under the Prevention of Terrorism Act (PTA) for an additional three months pending the receipt of "international information." (Note: Mr. Gobadis was originally arrested under the "Emergency Regulations." The PTA allows detainees to be held for up to 18 months without being charged. End note.) According to ICRC, the government could not invoke the PTA during the Cease-fire Agreement (CFA), however, since the government withdrew from the CFA restrictions on the use of the PTA no longer apply. The Director confirmed this is the first time the PTA is being invoked since the government's withdrawal. The Director also showed us the blueprints for a new facility they plan to build to hold detainees. The new facility will have more space and will include a court yard where detainees can exercise.

¶20. (C) There are two overcrowded holding cells in the TID, both located next to the other. The smaller of the two cells has three rooms. The heat in this cell was overwhelming and it felt like we had walked into a sauna. The only vent in the cell was broken. Two of the rooms, which would have been crowded with just two persons inside, held four detainees and the third room held five (Note: Each room was probably no more than seven feet long and four feet wide with one stone slab to sleep on. End note). Detainees also sleep on floors and in the narrow corridor connecting the three rooms. ICRC interviewed several new arrivals. One had been picked up because his phone number appeared in another detainee's cell phone list, quite common according to ICRC. Another detainee, an older fisherman, said the LTTE had forced him at gunpoint to ship supplies to the LTTE in the north by boat and that he was subsequently arrested by police. He was held for one month and a half in the CID before being transferred to the TID and he showed us marks on his body where he had clearly been beaten. (Note: The ICRC official said that they had visited the CID while the man had been in detention there but that the government had not presented him to ICRC at the time. End note.) Another gentleman had also been accused of shipping supplies by boat to the LTTE when he was arrested.

¶21. (C) The other cell held 40 persons, although detainees said there are often more than 70 in the cell. It was not as hot as the first cell, but detainees here also have to sleep

on floors and in the corridors due to overcrowding. One detainee had a pair of scissors and asked ICRC if they could provide sharper scissors to the prison. RefOff later observed the prison guard retrieving the scissors from the detainee and placing them in a storage box on the wall in the office. During the ICRC roll call, ICRC learned that several former detainees had been sent to the remand prison where they will await trial for possible charges that were made against them. According to ICRC, being sent to remand prison is often no better as detainees can end up waiting for many years before their case ever comes to trial.

¶22. (C) We also visited the section in the TID where "foreigners" are held. This area is a general office space and many detainees were crowded onto benches while TID staff worked inside open offices on their cases. ICRC explained that detainees sleep on the floors in the same area where TID authorities interrogate them during the day. The foreigners we met were being held in separate office rooms, complete with cabinets and chairs. Mr. Gobadis keeps his passport and airline ticket in one cabinet and he retrieved it to show us. Aside from Mr. Gobadis, we spoke to one Irish and Canadian citizen. All three had been arrested during a temporary return to Sri Lanka and have Sri Lankan origins. Mr. Gobadis was detained at the airport when he tried to ship electronic equipment back to London that he purchased in Colombo. The Irish detainee said he used to operate schools in LTTE areas during the cease-fire and was picked up at the airport when he returned for a short visit from Singapore where he lives. The Canadian, a former Sri Lankan refugee, was arrested while visiting family, speculating that he was probably arrested because he had GPS equipment. When ICRC informed Mr. Gobadis that he would be held for three more months under the PTA, he and the other detainees were clearly concerned and asked when the PTA had come into effect and wanted to know what the various provisions of the PTA are. The Irish detainee questioned whether or not foreigners could even be held under the PTA.

¶23. (C) The detainees RefOff spoke to referred to IRC as their "bridge" to the outside world and their families and readily welcomed the supplies of books, clothing, and personal hygiene supplies ICRC distributed during our visit. They were especially appreciative of the mail they could send via CRC to their families. The other DSG members reported similar overcrowding conditions in the prisons they visited and the group visiting the CID reported widespread signs of physical abuse of the detainees they met.

DSG Conclusions

¶24. (C) The DSG group was favorably impressed with the quality and scope of ICRC's activities in Sri Lanka. ICRC appears to be working well with all agencies on the ground and has focused on maintaining a clear role for its work in areas where it can utilize its profile as a neutral and independent organization. This allows ICRC to work in areas where most other agencies have difficulty gaining access. RefOff did not join the group that traveled to Jaffna, but feedback from that group indicates they were equally impressed with ICRC's access and the breadth of activities being implemented. The DSG will raise a number of issues at the DSG Meeting at the end of May in Paris, but RefOff believes the most important issue is ICRC's ability to retain local expatriate staff with the required language skills to conduct detention visits. ICRC will most likely lose two such staff in Sri Lanka soon and this would have a negative impact on ICRC's ability to provide detainees with its unique and important service. According to ICRC staff, this is a serious issue throughout South Asia.

Embassy Colombo has cleared this cable.
TICHENOR